

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

.
OHIO A. PHILIP RANDOLPH . Case No. 1:18-cv-357
INSTITUTE, et al., .
 .
Plaintiffs, . **Telephonic Status Conference**
 .
- v - .
 .
 . Friday, July 13, 2018
RYAN SMITH, et al., . 10:30 AM
 .
Defendants. . Cincinnati, Ohio

- - -

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE TIMOTHY S. BLACK, JUDGE

APPEARANCES:

For the Plaintiffs:

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For the Defendants Secretary of State Jon A. Husted, Ryan Smith
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APPEARANCES (Continued):

For the Defendants Ryan Smith and Larry Obhof:

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P R O C E E D I N G S

(In chambers at 10:30 AM.)

THE COURT: Good morning. This is Judge Timothy Black on the record in the civil case of *Randolph versus*, I think it's, *Smith, et al*. We have a number of people on the line.

Is the court reporter present?

THE REPORTER: Yes, Judge.

THE COURT: Thank you.

Do we have counsel for plaintiff on the line?

MS. LEVENSON: Yes, Judge. Freda Levenson, ACLU of Ohio.

THE COURT: Good morning.

MS. LEVENSON: Good morning.

THE COURT: Others on behalf of plaintiff, or are you by yourself?

MS. LEE: Theresa Lee of --

MS. LEVENSON: I believe I'm --

MS. LEE: Theresa Lee of the ACLU, also for plaintiff.

THE COURT: Good morning.

MS. LEE: Good morning, Judge.

THE COURT: Anybody else on the line?

MS. ZHANG: Your Honor, Emily Zhang, also with the ACLU.

THE COURT: Good morning.

Are there others on the line on behalf of plaintiff?

1 MR. BAKER: Mike Baker with Covington and Burling on
2 behalf of plaintiff.

3 THE COURT: Good morning.
4 Anybody else on behalf of plaintiff?

5 (No response.)

6 THE COURT: Very well.
7 On behalf of the defendants?

8 MR. STRACH: Good morning, Your Honor. This is Phil
9 Strach, Ogletree, Deakins, on behalf of the legislative
10 defendants.

11 THE COURT: Good morning.

12 MR. STRACH: Good morning.

13 THE COURT: Other defense counsel?

14 MR. VOIGT: Yes, Your Honor. Steve Voigt on behalf of
15 all defendants.

16 THE COURT: Good morning.

17 MR. VOIGT: Good morning.

18 THE COURT: Anybody else on the line on behalf of
19 defendants?

20 (No response.)

21 THE COURT: My law clerk --
22 Go ahead. Is there somebody on the line?

23 MR. VOIGT: I was just going to say no, Your Honor.

24 THE COURT: Very well.

25 MR. BAKER: Your Honor, this is Mike Baker of

1 Covington. I think we're waiting on maybe one more person:

2 Rob Fram.

3 THE COURT: On behalf of whom?

4 MR. FRAM: I'm here. Rob Fram, Covington and Burling,
5 for the plaintiffs.

6 THE COURT: Okay. Has everybody on the phone, except
7 for me and my law clerk, entered their appearance? Anybody who
8 hasn't, please speak up.

9 (No response.)

10 THE COURT: Okay. My law clerk, Jeremy Smith, is on
11 the line. I am as well. I'm calling in.

12 A brief statement. The materials you have sent in appear
13 magnificent. You've accommodated the Court's need to start the
14 trial on March 4, and I like the notion that you're going to
15 continue the expedition by shortening the appeal, the time to
16 file an appeal, and both sides apparently agree on that. So
17 from my perspective, we've got a calendar. It's approved.

18 I need a little time to make sure that the other two judges
19 are available for the final pretrial conference and the hearing
20 date that you have suggested, and I hope they're available. I
21 think they are, but just give me a little flex on that. Beyond
22 that, I think we've got a calendar.

23 What else do we need to address, or any clarifications or
24 any questions of me? First, from the plaintiffs' perspective?

25 MS. LEVENSON: No, Judge. Thank you very much. We're

1 very glad that we were able to agree on the schedule, and thank
2 you for allowing us the time to work it out.

3 THE COURT: Of course.

4 Anything on the legislative defendants' counsel's list of
5 things to harass me about today?

6 MR. STRACH: No, not -- not today, Your Honor. I'm
7 going to save that for later.

8 THE COURT: Very well. You've fully disclosed that to
9 me.

10 The Ohio attorney general, is there anything else you wish
11 to address today?

12 MR. VOIGT: No, Your Honor. Thank you.

13 THE COURT: Okay. Well, we've got a calendar. You're
14 going to give me a little flex on the final pretrial conference
15 date and time, but we will proceed ahead and docket a calendar
16 order today that reflects your agreed calendar, which is a
17 credit to you.

18 So is there anything else we ought to discuss today? From
19 the plaintiffs' perspective?

20 MS. LEVENSON: Not from our perspective, Judge.
21 Thanks.

22 THE COURT: From any defense counsel?

23 MR. STRACH: No, Your Honor.

24 THE COURT: Very well.

25 MR. VOIGT: Umm --

1 THE COURT: Yes?

2 MR. VOIGT: Yeah. This is Steve Voigt. I just wanted
3 to note that we were able to file the *pro hac vice* motions for
4 Mr. Strach and Mr. McKnight from Ogletree, Deakins, and we
5 deposited the checks, the required checks, yesterday with the
6 court. So I think that that filing is now complete.

7 THE COURT: I agree, and we'll act on it promptly.

8 MR. VOIGT: Thank you.

9 THE COURT: Anything else from the defendants'
10 perspective?

11 (No response.)

12 THE COURT: Law clerk Mr. Smith, is there anything
13 that I've overlooked that we ought to mention?

14 THE LAW CLERK: No, Judge.

15 THE COURT: Very well. This is an extraordinary
16 conference.

17 I think we're ready to adjourn and docket your calendar
18 order. One last time, anybody else got anything they want to
19 bring to the Court's attention at this time?

20 (No response.)

21 THE COURT: Hearing no response, we've done what we've
22 done, and it's a credit to you. So I am going to docket your
23 calendar order, and at this moment I'm going to thank you all
24 for calling in timely and adjourn.

25 So thank you for your good work, counsel. Thank you for

1 calling in timely today, and we will docket your calendar
2 order.

3 Thank you, take care, and goodbye.

4 MR. VOIGT: Thank you.

5 MR. STRACH: Bye, Judge.

6 MS. LEVENSON: Thank you. Bye-bye.

7 (Proceedings concluded at 10:35 AM.)

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9 C E R T I F I C A T E

10 I, Luke T. Lavin, RDR, CRR, the undersigned, certify
11 that the foregoing is a correct transcript from the record of
12 proceedings in the above-entitled matter.

13
14 s/Luke T. Lavin
15 Luke T. Lavin
16 Official Court Reporter
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